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16 August 1991
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ORIGINAL: SPANISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 407th MEETING

Held at Headquarters, New York,
on Thursday, 11 July 1991, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

(b) Report of the Ad Hoc Committee to the General Assembly at its forty-sixth session on the implementation of resolution 45/77 (continued)

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The meeting was called to order at 4 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued)

(b) REPORT OF THE AD HOC COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION ON THE IMPLEMENTATION OF RESOLUTION 45/77 (continued)

1. The CHAIRMAN said that the only outstanding question to be decided was that of participation in the Conference.

2. Mr. KHERADI (Senior Adviser) said that a thorough study had been made with the assistance of the Office of Legal Affairs of United Nations practice and precedents for participation in conferences convened by the Organization.

3. Mr. TUBMAN (Office of Legal Affairs) said that, in accordance with United Nations practice, decisions regarding participation in conferences should be taken by the convening body. In the case of the Conference on the Indian Ocean, the convening body was the General Assembly.

4. Mr. JAIN (India) said that the decisions taken by the Ad Hoc Committee regarding the agenda of the Conference, rules of procedure and other matters should also be taken into consideration. Those decisions, which should be reflected in the Committee's report to the General Assembly, should also be taken into account in formulating the resolution that would authorize the convening of the Conference.

5. Ms. COURTNEY (Australia) said that it was up to the Ad Hoc Committee to determine the nature of the Conference and who should participate in it so that the Committee could submit proposals on those matters to the General Assembly.

6. Mr. HAGOSS (Ethiopia) said that the competence of the Ad Hoc Committee in its capacity as preparatory body was determined in the agreed text on the organization of work, which was contained in the Committee's report to the General Assembly at its forty-fifth session (A/45/29, para. 6). That text clearly stated that the Ad Hoc Committee would deal with the substantive and organizational issues related, in particular, to the provisional agenda for the Conference, rules of procedure, participation, stages of the Conference, level of representation, documentation, and consideration of appropriate arrangements for any international agreements that might ultimately be reached.

7. The Ad Hoc Committee had reached agreement on almost all those issues; the question of participation in the Conference was virtually the only one left to be resolved. It was clear that the mandate of the Committee, in its capacity as the preparatory body, provided for the formulation of

(Mr. Hagoss, Ethiopia)

recommendations to the General Assembly on that question. The Committee should therefore decide whether the usual United Nations practice should be followed or whether there were reasons to deviate from that practice in order to fulfil the special requirements of the Conference on the Indian Ocean.

8. Mrs. MULAMULA (United Republic of Tanzania) said that the discussions on the draft provisional rules of procedure had been based on the assumption that the Conference on the Indian Ocean would be a United Nations conference convened by the General Assembly of the Organization and that the participants would threfore be all the Members of the United Nations and those entities which the Assembly normally invited to participate in international conferences held under its auspices.

9. In view of the difficulties which the Ad Hoc Committee had encountered in that connection, it would be useful to determine if there had ever been a United Nations conference from which Members of the Organization had been excluded. Any precedents that might exist could guide the Committee in solving the problem.

10. Mr. TUBMAN (Office of Legal Affairs) said that the general practice with regard to United Nations conferences was to invite all Member States; however, further research would be necessary to determine if a more restrictive procedure had ever been followed.

11. Otherwise, the Ad Hoc Committee's competence was clearly defined in its mandate; the Committee could formulate proposals to the General Assembly in favour of either universal participation or a more limited participation. Naturally, such proposals would only have the character of recommendations and would be subject to the decision of the General Assembly.

12. Mr. HAGOSS (Ethiopia) said that participation in United Nations conferences did not necessarily have to be universal; it was quite possible to limit participation to a given region.

13. Nevertheless, the Conference on the Indian Ocean had been envisaged as a United Nations conference not only in name but also in its degree of universality. That was reflected in the very composition of the Ad Hoc Committee, which was responsible for preparing the Conference and which comprised States from all regions of the world. It would be extremely unjust if those countries which had contributed to the preparatory work were not invited to the Conference.

14. Moreover, the Conference should be universal because the implementation of any agreements reached would require the cooperation of countries throughout the world in order to achieve such fundamental objectives as peace and security. The presence of the permanent members of the Security Council and of the major maritime users of the Indian Ocean was particularly important. The Ad Hoc Committee should not exclude from the Conference

(Mr. Hagoss, Ethiopia)

countries whose cooperation would be necessary, whether immediately or at any subsequent stage.

15. Mention had been made of the efforts made at the subregional level under the auspices of the United Nations, such as those that had led to the conclusion of the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga). The Conference on the Indian Ocean, however, had not been conceived as a meeting of littoral and hinterland States alone. While the General Assembly would have the final say in the matter, the Ad Hoc Committee should recommend that it convene a universal meeting.

16. Ms. COURTNEY (Australia) said that the question of participation in the Conference on the Indian Ocean had been frequently discussed and that the arguments adduced were not convincing to her. While it was true that the Conference was a United Nations conference, that did not mean that participation in it should be universal; indeed, not all Members of the United Nations participated in the Ad Hoc Committee. Three groups of countries participated in the Committee: littoral and hinterland States, permanent members of the Security Council and major maritime users, such as Panama and Liberia, which, as might be expected, had an interest in what occurred in the Indian Ocean. If all countries were allowed to participate in the Conference, there would be a risk that some might block the agreements reached by the countries of the region and jeopardize the process aimed at creating a zone of peace. A decision also had to be reached on the rules of procedure of the Conference, particularly on rule 32, which still contained a number of phrases in brackets.

17. The CHAIRMAN recalled that the Committee had already reached an agreement on the rules of procedure and had decided to submit that article with brackets. Since it had not been possible to reconcile the conflicting opinions on the question of participation, it had been decided to transmit those opinions together with the report to the General Assembly. The Committee had reached agreement on the provisional agenda, the rules of procedure, the substantive elements and the stages of the Conference. Portions of the report to the General Assembly had already been considered and the Group of Non-Aligned Countries would soon submit a draft resolution. In fact, there was adequate time to complete the preparations for the United Nations Conference on the Indian Ocean, which would be held in 1992.

18. Mr. BANDARA (Sri Lanka), coordinator of the group of non-aligned countries responsible for preparing the draft resolution, said that the group had still not reached a consensus and would require additional time to complete its work.

The meeting rose at 4.40 p.m.

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A/AC.159/SR.408
17 July 1991

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 408th MEETING

Held at Headquarters, New York,
on Thursday, 11 July 1991, at 6.30 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

CONTENTS

Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

(b) Report of the Ad Hoc Committee to the General Assembly at its forty-sixth session on the implementation of resolution 45/77 (continued)

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The meeting was called to order at 6.55 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued)

(b) REPORT OF THE AD HOC COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION ON THE IMPLEMENTATION OF RESOLUTION 45/77 (continued) (A/AC.159/L.111)

1. The CHAIRMAN invited the Ad Hoc Committee to resume consideration of its draft report to the General Assembly (A/AC.159/L.111).

2. Mr. KHERADI (Senior Adviser) said that he wished to clarify the statement he had made earlier regarding item 10 of the provisional agenda of the United Nations Conference on the Indian Ocean (A/AC.159/L.106), entitled "Report of the Ad Hoc Committee on the Indian Ocean in its capacity as Preparatory Committee for the Conference". The report referred to in that item was the means by which the recommendations and relevant decisions of the Committee would be brought to the attention of the Conference once they were endorsed by the General Assembly. Thus, the report in question would not be submitted separately to the Conference, but would form part of the Committee's report to the General Assembly, and would be subject to the latter's approval.

3. Mr. RAKOTONDRAMBOA (Madagascar), Rapporteur, introduced a non-paper containing proposed versions of sections II (B) (Preparatory work for the convening of the Conference on the Indian Ocean) and II (C) (Introduction and adoption of the report of the Ad Hoc Committee to the General Assembly at its forty-sixth session) of the draft report. The paragraphs of the non-paper gave an account of the Committee's work concerning the draft provisional rules of procedure of the Conference, the report on the substantive elements for consideration at the Conference, the working paper on the stages of the Conference, the draft report of the Committee, and the draft resolution of the Committee.

4. The CHAIRMAN said that in paragraph 7 of the non-paper, the word "seven" should be changed to "eight".

5. Ms. COURTNEY (Australia) said that although the Committee had adopted the provisional agenda of the Conference (A/AC.159/L.106) and the substantive elements for consideration at the Conference (A/AC.159/L.112) by consensus, there had been disagreement on portions of the documents concerning the provisional rules of procedure and the stages of the Conference. The Committee should include an indication to that effect in the relevant paragraphs of the report, in order to clarify the status of those documents and to avoid conveying the impression that they had been finalized.

6. The CHAIRMAN recalled that the Committee had decided the previous day to include brackets in the two documents concerned, and to insert a footnote in the documents explaining that the brackets indicated where there was a lack of unanimity among the Committee members.

7. Ms. COURTNEY (Australia) said that a footnote to the two paragraphs concerning the provisional rules of procedure and the stages of the Conference should be included in the Committee's report to the General Assembly to show that the status of the two documents was different from that of the others.

8. Mr. YOUSIF (Sudan) recalled that at the Committee's previous meeting, a question had been raised as to whether participation in the Conference should be open or restricted. A paragraph on the outcome of the Committee's deliberations on the subject should also be included in its report to the General Assembly.

9. Ms. COURTNEY (Australia) asked whether the footnote she had proposed would be included in the report, and whether a paragraph on participation in the Conference would be added, in accordance with the Committee's agreement at its previous meeting to submit to the Conference the different viewpoints expressed.

10. Mrs. MULAMULA (United Republic of Tanzania) recalled that the Committee had decided the previous day, following lengthy deliberations on the documents concerning the rules of procedure and the stages of the Conference, to include in those documents footnotes indicating that no final agreement had been reached on the bracketed portions, and that decisions on those portions would be left to the Conference. There was therefore no need to include footnotes in the Committee's report to the General Assembly.

11. Ms. COURTNEY (Australia) said that the Committee should nevertheless include such footnotes in its report to the General Assembly, to avoid misleading readers of the report.

12. Mr. SHOUKRY (Egypt) said that the Committee had already agreed to indicate in its documents that consensus had not been reached in all cases, and that there had been some contentious issues which remained to be resolved by the Conference. He therefore proposed that a footnote to that effect should be included in the report to the General Assembly but not in the documents concerned, since the brackets in those documents were self-explanatory.

13. Mrs. MULAMULA (United Republic of Tanzania) said that she had no objection to the Egyptian proposal, but that the footnotes to be included in the report should specify that only portions of the documents concerned had been left in provisional form, so as not to imply that there had been disagreement on the documents in their entirety.

14. Mr. CURE (Mauritius) said that in the second sentence of the non-paper's version of paragraph 9, the word "contained" should be changed to "containing", for grammatical reasons.

15. The CHAIRMAN said that since the Committee had accepted the proposals of the Egyptian and Tanzanian delegations, as well as the non-paper containing paragraphs 7 to 13 of its report to the General Assembly, as orally amended, it had only to consider its draft resolution and the final version of its draft report to the General Assembly.

16. Mr. BANDARA (Sri Lanka), speaking as the coordinator of the non-aligned States members of the Committee, said that he was not in a position to indicate the exact status of the draft resolution to be submitted to the Committee, and would report on the subject the following day.

The meeting rose at 7.35 p.m.

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16 September 1991
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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 409th MEETING

Held at Headquarters, New York,
on Friday, 12 July 1991, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

CONTENTS

Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

Consideration of the draft report of the Ad Hoc Committee on the Indian Ocean

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The meeting was called to order at 11.05 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued)

CONSIDERATION OF THE DRAFT REPORT OF THE AD HOC COMMITTEE ON THE INDIAN OCEAN (A/AC.159/L.111 and Corr.1 and Add.1)

1. The CHAIRMAN said that at the end of the previous meeting he had stated that in order for the Committee to complete the preparatory work for the Conference, it would have to consider the draft resolution for the General Assembly and the draft report of the Ad Hoc Committee to the Assembly, one part of which had already been considered and adopted. A proposal had also been made that the Ad Hoc Committee's report should include a section devoted to the activities of the Ad Hoc Committee on the Indian Ocean, performing its functions as a preparatory body to the United Nations Conference on the Indian Ocean.

2. Mr. BANDARA (Sri Lanka), speaking about the draft resolution in his capacity as coordinator of the group of non-aligned countries, said that, unfortunately, he was obliged to report that the group had not been able to prepare an agreed text for the draft resolution.

3. The CHAIRMAN suggested that representatives should continue their consideration of the draft report of the Ad Hoc Committee to the General Assembly and requested the Rapporteur to introduce Part II of the report, contained in document A/C.159/L.111/Add.1.

4. Mr. RAKOTONDRAMBOA (Madagascar), Rapporteur, said that, in accordance with the decision that had been taken, he had drafted Part II of the Ad Hoc Committee's report, entitled "Report of the Ad Hoc Committee on the Indian Ocean, performing its functions as a preparatory body to the United Nations Conference on the Indian Ocean". Although the report might not be complete, he was nevertheless submitting it to the Committee for consideration. section I of the report was an introduction, section II was entitled "Work of the Ad Hoc Committee on the Indian Ocean, performing the functions of a preparatory body to the United Nations Conference on the Indian Ocean", and section III contained the recommendations of the Ad Hoc Committee on the Indian Ocean, performing the functions of a preparatory body to the United Nations Conference on the Indian Ocean. In accordance with previous decisions, a note had been added to paragraph 25 stating that the Committee had not reached an agreement on some aspects of the rules of procedure which were contained in brackets. A note had also been added to paragraph 27 stating that the Committee had not reached an agreement on some aspects of document A/AC.159/L.113 which were contained in brackets.

5. The CHAIRMAN thanked the Rapporteur for his introduction of the draft report and expressed his gratitude to him for having prepared it at such short notice. Commenting on the introduction to the report, in which mention was made of General Assembly resolutions on the Declaration of the Indian Ocean as a Zone of Peace, he asked why the list ended with resolution 44/120 of 15 December 1989 when the latest resolution had been adopted by the General Assembly in 1990.

6. Mr. RAKOTONDRAMBOA (Madagascar), Rapporteur, said that that resolution had deliberately not been included. It must be borne in mind that the report of the Ad Hoc Committee would consist of two parts. Part II, which was currently under consideration, concerned the work of the Ad Hoc Committee on the Indian Ocean performing its functions as a preparatory body to the United Nations Conference on the Indian Ocean. Part I was the report of the Ad Hoc Committee to the General Assembly. Paragraph 1 of that report cited the provisions of General Assembly resolution 45/77. It was for that reason that the resolution had not been mentioned in Part II of the Ad Hoc Committee's report.

7. The CHAIRMAN thanked the Rapporteur for his explanation.

8. Mr. KHERADI (Senior Adviser) said that he wished to add one further comment to the Rapporteur's explanation. It concerned item 10 of the provisional agenda for the Conference entitled "Report of the Ad Hoc Committee on the Indian Ocean in its capacity as Preparatory Committee for the Conference". The decision to be taken by the General Assembly would determine whether the report of the Ad Hoc Committee contained in documents A/AC.159/L.111 and Corr.1 and A/AC.159/L.111/Add.1 would be considered, or whether it would be possible to submit only Part II for consideration. He stressed that that was a suggestion and not a recommendation. In fact, Part II could stand alone as a report. It might be possible to submit to the Assembly the second section of Part II, on the work of the Ad Hoc Committee, performing the functions of a preparatory body to the United Nations Conference on the Indian Ocean. As for the chronology and history of the preparatory work, it should be possible to add a brief formulation, as paragraph 12, which would include a reference to the resolution in question, namely resolution 45/77 of 12 December 1990.

9. Mr. JAIN (India) supported the proposal that a new paragraph 12 should be inserted after paragraph 11 of the first section of Part II of the report. He agreed that it was not necessary to repeat the provisions of resolution 45/77. However, he proposed a different formulation from that proposed by the Senior Adviser, which would read: "In its resolution 45/77 of 12 December 1990, the General Assembly renewed the mandate of the Ad Hoc Committee, which has already been described in paragraph 1 of Part I of the report of the Ad Hoc Committee".

10. Ms. COURTNEY (Australia) said that after the words "Ad Hoc Committee" in the formulation proposed by the representative of India, the words "which has already been described in paragraph 1 of Part I of the report of the Ad Hoc Committee" should be replaced by the words "as defined in the relevant resolutions".

11. Mr. JAIN (India) said that the whole point of his proposal was that reference should be made to paragraph 1 of Part I of the report of the Ad Hoc Committee so that the first section of Part II of the report would be complete.

12. Ms. COURTNEY (Australia) said that she had misunderstood the representative of India and had thought that the Committee was considering paragraph 1 of the first section of Part II of the report.

13. Mrs. MULAMULA (United Republic of Tanzania) proposed that the new paragraph 12 should also refer to the decision of the General Assembly to hold the Conference on the Indian Ocean at Colombo, in 1992.

14. Mr. JAIN (India) said that Part I, section I, paragraph 1, of the draft report set forth all the provisions of resolution 45/77 and that to single out just one aspect of it in Part II would be inappropriate.

15. Mr. ZIMBA (Mozambique) suggested that the words "in particular" should be inserted in the proposed formulation after the words "General Assembly".

16. The CHAIRMAN suggested that the Ad Hoc Committee should proceed to consideration of document A/AC.159/L.111/Add.1, paragraph by paragraph.

17. Mr. JAIN (India) observed that his delegation had not had enough time to look carefully at all of Part II, section I, of the draft report. In that connection, he asked the Secretariat to adjust the wording of all the formulations contained therein after it had been adopted.

18. Mr. KHERADI (Senior Adviser) said that the Secretariat would deal with that matter and, if necessary, make corrections, provided that the changes were editorial.

19. The CHAIRMAN suggested that paragraphs 1-11 should be adopted, on the understanding that editorial changes might need to be made to them.

20. Paragraphs 1-11 were adopted.

21. The CHAIRMAN suggested that, if there were no objections, the new paragraph 12 should be adopted in the form proposed by the representative of India, taking into account the amendment proposed by the representative of Mozambique.

22. Paragraph 12 was adopted.

23. Mr. JAIN (India) proposed that, in the second line of the former paragraph 12 (now paragraph 13), the words "on procedural and substantive issues" should be inserted after the words "preparatory work". As far as paragraphs 13-23 (now paragraphs 14-24) were concerned, the documents giving a "detailed description of the meetings", should include the corresponding summary records with their symbols.

24. Mr. HAGOSS (Ethiopia) said that listing the symbols of all the summary records would take up considerable space. He proposed that reference should be made to them in the following way: "... see document A/... and the relevant summary records".

25. Mr. KHERADI (Senior Adviser) said that, in principle, all the Ad Hoc Committee's annual reports, the symbols for which were enumerated in the draft report, contained references to the corresponding summary records.

26. Mr. JAIN (India) said that a reference to the summary records was needed because of the phrase repeated throughout paragraphs 13-23: "for a detailed description of the meetings, see document ...". The annual reports were themselves a summary description of the work done at the Ad Hoc Committee's sessions and not a detailed description of the meetings.

27. Mr. HAGOSS (Ethiopia) proposed omitting the references to documents from all the paragraphs in section II and ending that section with a general reference to the corresponding annual reports and summary records, giving the symbols only of the first and last of them, with a dash in between, since they were numbered consecutively.

28. Mr. JAIN (India) said that that would make it difficult to determine which documents related to which session.

29. Mr. HAGOSS (Ethiopia) withdrew his proposal.

30. The CHAIRMAN proposed that the Committee adopt former paragraphs 12-23 (now renumbered as paragraphs 13-24) with the amendments proposed by the representative of India.

31. Former paragraphs 12-23 (now renumbered as paragraphs 13-24) were adopted.

32. Mrs. MULAMULA (United Republic of Tanzania) proposed that section II should also include a reference to the Ad Hoc Committee's meetings in 1991.

33. It was so decided.

34. The CHAIRMAN invited the Committee to consider section III of document A/AC.159/L.111/Add.1.

35. Mrs. MULAMULA (United Republic of Tanzania), referring to former paragraph 24 in subsection A entitled "Provisional agenda", said that the provisional agenda for the Conference on the Indian Ocean had in fact been adopted a year previously and not at the current session of the Ad Hoc Committee.

36. Mr. JAIN (India), agreed with the representative of Tanzania as to the actual date of adoption of the provisional agenda for the Conference but noted that what the present paragraph was concerned with was when the Ad Hoc Committee had decided to recommend the provisional agenda to the forty-sixth session of the General Assembly. At its present session, the Ad Hoc Committee was essentially recommending to the General Assembly all the documents mentioned to in Section III.

37. Mrs. MULAMULA (United Republic of Tanzania) pointed out that the Ad Hoc Committee had in fact decided to recommend the provisional agenda to the forty-fifth session of the General Assembly, and that it had moreover been approved at that session.

38. Mr. HAGOSS (Ethiopia) said that the views expressed by the representatives of India and Tanzania were important but proposed that the Secretariat be left to resolve that issue in accordance with its usual procedure.

39. Mr. KHERADI (Senior Adviser) confirmed that, as the representative of Tanzania had pointed out, the Ad Hoc Committee had adopted the provisional agenda the previous year and had included it in its report to the forty-fifth session of the General Assembly. However, paragraph 24 had been included in document A/AC.159/L.111/Add.1 for the following reasons: firstly, the General Assembly, in its resolution 45/77, had taken note of the Ad Hoc Committee's report but had not actually approved any of the paragraphs in the report. Secondly, since document A/AC.159/L.111/Add.1 was an independent report which might be forwarded to the Conference on the Indian Ocean at the General Assembly's request, it would be advisable to formulate all the Ad Hoc Committee's recommendations clearly therein. It would be preferable therefore to retain paragraph 24 as currently worded to ensure that those recommendations were transmitted to the General Assembly for approval and, possibly, for subsequent forwarding to the Conference.

40. The CHAIRMAN said that, if he heard no objection, he would take it that the Ad Hoc Committee agreed to proceed as proposed by the Senior Adviser.

41. It was so decided.

42. The CHAIRMAN drew attention to subsections B, C and D of section III of document A/AC.159/L.111/Add.1.

43. Mr. YOUSIF (Sudan) proposed that in the footnotes marked by asterisks the words "an agreement" should be replaced by the words "a consensus".

44. Mr. MFULA (Zambia) seconded the proposal. Using the word "agreement" might create the impression that the Committee had not managed to reach any agreement at all, while using the word "consensus" would show that agreement, although not unanimity, had been reached on some questions.

45. Subsections A, B, C and D of section III of document A/AC.159/L.111/Add.1 were adopted.

46. Mr. JAIN (India) said that the Ad Hoc Committee's recommendations in section III did not cover the whole list of issues on which the Committee was supposed to have finished working as part of preparations for the Conference.

47. The draft report contained in document A/AC.159/L.111/Add.1, as orally amended, was adopted.

48. The CHAIRMAN recalled the agreement reached as to whether it would be advisable for Conference participants to embark immediately on drafting the final document of the Conference, and invited members of the Committee to give their views on the question of documentation. Concerning the question of participation in the Conference, members of the Ad Hoc Committee had been in favour of including in the Committee's report one or two paragraphs summarizing the discussions that had taken place in the Committee or referring to the views expressed on that subject. He drew attention to document A/AC.159/L.111/Corr.1, paragraph 11 of which dealt with that issue.

49. Mr. YOUSIF (Sudan) said that the wording of paragraph 11 of document A/AC.159/L.111/Corr.1 did not reflect the agreement that had been reached the previous day on the question of participation. Accordingly, he proposed that the current wording should be replaced by wording to the effect that a number of delegations had given their views on the question of participation in the Conference and that the prevailing, although not unanimous, view had been that a universal United Nations conference was needed. In order to give a true picture of the discussions in the Committee, a list of the delegations who had opposed that view could be given in a footnote.

50. Mr. HAGOSS (Ethiopia) said that he agreed with the representative of the Sudan that the wording of paragraph 11 did not reflect the agreement reached the previous day, but could not agree with the subjective formulation proposed by that representative. Given the diversity of views on that issue, it would be preferable to include a reference, in brackets, to the corresponding summary records, so that each delegation could consult the record and draw its own conclusions as to what the prevailing view had been.

51. Mr. RAKOTONDRAMBOA (Madagascar), Rapporteur, asked whether a reference was to be made to the previous day's meeting or to all the meetings at which that question had been raised in previous years.

52. The CHAIRMAN said that a reference to the previous day's meeting would suffice since the statements made at that meeting reflected the views expressed by delegations in the past.

53. Mr. JAIN (India) said that the question of participation was not so clear cut that it could have been discussed comprehensively at the previous day's meeting or meetings. His delegation's position had been set out in detail in its statements over the years, in documents submitted by it and in such summary documents as documents A/AC.159/L.26, L.55 and L.86. It was not entirely correct therefore to refer only to the summary record of the previous day's meeting, which did not give a full picture of delegations' views on that important question.

54. Mr. HAGOSS (Ethiopia) said that his delegation did not share the view of the representative of India and that in order to achieve broad agreement it was necessary, at the least, to reflect the views of all delegations in the summary record. The point was to familiarize the General Assembly with the widely divergent views expressed on that question in the debate. A reference to any previous decisions would therefore be inappropriate.

55. The CHAIRMAN said that a decision to that effect had been taken at the previous day's meeting and that there was no point in changing it.

56. Ms. COURTNEY (Australia) supported by Mr. HAGOSS (Ethiopia) and Mrs. MULAMULA (United Republic of Tanzania), proposed that, in order to take into account the view of the representative of India, the world "again" should be inserted before the word "considered" in paragraph 11 of the English text, since, as the Rapporteur had noted, the issue of participation in the Conference had been discussed on more than one occasion in recent years and if, in conformity with the Indian proposal, there were to be additional references in the Committee's report to summary records, those records could be consulted by those who wished to acquire further information about the views of delegations on that subject.

57. Mr. JAIN (India), referring to the comments of the representative of Ethiopia, said that his delegation had not proposed the inclusion in the report of references to previous decisions. The members of the Committee were aware only of the opinion of his delegation in general and not of its point of view regarding the wording of paragraph 11. His delegation had stated its views concerning the proposal that reference should be made to the summary record of the previous day's meeting.

58. As for the Australian proposal, he would like clarification as to what exactly it involved.

59. The CHAIRMAN said that the purport of the proposals of the representatives of Ethiopia and Australia was that paragraph 11 should reflect the fact that the Committee had once again considered the question of participation in the Conference, and that the views of members of the Ad Hoc

(The Chairman)

Committee were to be found in the summary records of the meetings at which that issue had been discussed and that either those records would be annexed to the current document or their symbols would be given in the text.

60. Mr. HAGOSS (Ethiopia) said that the proposal of the representative of Australia was that the word "again" should be included in paragraph 11 in order to show that the issue had been discussed before. The final decision on the issue under consideration had been taken by the Committee on 11 July.

61. Ms. COURTNEY (Australia) proposed specific wording for paragraph 11 with the insertion at the end of the first sentence of a reference to the appropriate summary record, in brackets, and said that it was not worth reproducing summary records in an annex to the report.

62. Mr. JAIN (India) proposed that the word "briefly" should be inserted in paragraph 11 of the English text after the word "considered" since, when discussing the issue, members of the Committee had tried to express their opinions in a nutshell as their positions had already been set forth in detail earlier.

63. Mr. HAGOSS (Ethiopia) said he was opposed to the proposal of the representative of India since, if it was adopted, it would give the impression that the views previously expressed by members of the Committee were exhaustive, and that was not in fact the case.

64. The CHAIRMAN said it appeared that the members of the Committee were inclined to go along with the Australian proposal, and he raised the question of whether it would be correct to use the word "defer" in paragraph 11 of the English text.

65. Ms. COURTNEY (Australia) observed that the members of the Committee had agreed to use the word "defer" in the aforementioned paragraph and it was not clear why the question had arisen.

66. Mr. YOUSIF (Sudan) said that the word "defer" was not appropriate. The Ad Hoc Committee could only refer questions for consideration to a higher organ which would take decisions on them. The meaning of the word "defer" did not reflect the essence of that procedure.

67. Mr. HAGOSS (Ethiopia) said that the underlying reason for the use of that word was the structural link between the Ad Hoc Committee and the General Assembly, which was a higher organ, and the adoption of decisions on substantive issues was therefore a prerogative of that organ.

68. Mr. YOUSIF (Sudan) said that, in his opinion, the Ad Hoc Committee could defer consideration of an issue only within the framework of its jurisdiction and schedule of work. For instance, the Committee could defer consideration of a question until the following week. When it came to submitting an issue to bodies at a higher level, the Committee could only refer such questions for consideration.

69. Mr. HAGOSS (Ethiopia) said that on that issue the Ad Hoc Committee as a preparatory body to the Conference had been unable to complete the task assigned to it and take any decision. For that reason, the Committee referred the substantive aspect of the decision-making mechanism to the authority of the higher body, which was the General Assembly.

70. Mr. ZIMBA (Mozambique) said that it was important to clarify whether the use of the word "defer" or "refer" was a substantive matter. If not, the Secretariat should resolve the issue.

71. Mr. KHERADI (Senior Adviser) said it seemed that both points of view were completely justified and suggested that, in order to resolve linguistic problems, that part of paragraph 11 should read: "to defer the matter for the consideration of the General Assembly".

72. Mr. JAIN (India) recalled the proposal of his delegation that the word "briefly" should be included in the first sentence of paragraph 11 of the English text, a proposal which had been made immediately before the discussion of the question of the use of words in the second sentence of that paragraph. If his delegation's position was mentioned in the summary records, he would not insist on that proposal and would support the decision to continue discussion of the wording of the paragraph at a later stage.

73. Mr. SHA ZUKANG (China) said that document A/AC.159/L.111/Add.1 would constitute a comprehensive report of the Committee on all the work it had undertaken. However, it did not reflect such important aspects as participation and documentation. Therefore, in order to ensure full coverage of all aspects of the Committee's work, two additional subsections would have to be included in the report: subsections (E) - "Participation" - and (F) - "Documentation".

74. The CHAIRMAN observed that the members of the Committee had considered the question of participation and had indicated how that aspect would be reflected in the draft report. As for the issue of documentation, it had yet to be considered and the outcome of that consideration would also be reflected in an appropriate way.

75. Ms. COURTNEY (Australia) said that her delegation supported the view expressed by the representative of China. In connection with the issue of participation, it would be advisable to reproduce in the draft report the relevant section of the basic report. As for documentation, her delegation felt that it covered recommendations, appendices and references to all the relevant documents of the Ad Hoc Committee. Such a premise could therefore be taken as a basis in deciding the question of the need to indicate relevant documentation.

76. Mr. MATSOUKA (Secretary of the Committee) asked for clarification as to exactly which documents would be included in the subsection. It did not appear to be the work of the Secretariat to decide which documents should be mentioned.

77. Ms. COURTNEY (Australia) pointed out that, although the question would be decided by the Committee, her delegation thought that the documentation to be submitted for consideration at the Conference should include the report under consideration, the appendices thereto and references to the relevant documents of the Ad Hoc Committee. The wording of the paragraph could be worked out before the beginning of the next meeting if that was acceptable to the members of the Committee.

78. The CHAIRMAN supported the proposal of the representative of Australia and then raised the question of the final report. Referring to the agreement that had been reached, whereby the draft final report would be considered by the participants in the Conference itself, he pointed out that there was no need for it to be considered in the Committee.

79. Mr. HAGOSS (Ethiopia) proposed that in paragraph 26 it should be noted that the Ad Hoc Committee had decided to recommend to the General Assembly the substantive elements for consideration by the United Nations Conference on the Indian Ocean as the basis for a final document which would be adopted at the Conference.

80. The CHAIRMAN suggested that, if there were no objections, the proposal of the representative of Ethiopia should be adopted.

81. The proposal was adopted.

82. Mr. KHERADI (Senior Adviser) suggested that members of the Committee should think about which documents (including those already listed in section III) should be referred to in the subsection entitled "Documentation".

The meeting rose at 1.05 p.m.

UNITED
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General Assembly

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A/AC.159/SR.410
19 August 1991
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ORIGINAL: SPANISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 410th MEETING

Held at Headquarters, New York,
on Friday, 12 July 1991, at 3 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

CONTENTS

Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

(b) Report of the Ad Hoc Committee to the General Assembly at its forty-sixth session on the implementation of resolution 45/77 (continued)

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

The meeting was called to order at 3.55 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued)

(b) REPORT OF THE AD HOC COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION ON THE IMPLEMENTATION OF RESOLUTION 45/77 (continued) (A/AC.159/L.111 and Add.1 and Corr.1)

1. The CHAIRMAN asked the representative of Australia to read out the text of the proposed section F, concerning documentation, under chapter III of the draft report (A/AC.159/L.111/Add.1).

2. Ms. COURTNEY (Australia) said that her proposal consisted of two paragraphs, the second of which was optional, and read out the text:

> "The Ad Hoc Committee on the Indian Ocean recommends that this report and its annexes and the reports of the Ad Hoc Committee referred to in paragraphs 14 to 25 of chapter II should constitute the documentation for the United Nations Conference on the Indian Ocean.
>
> "The Ad Hoc Committee further recommends that all substantive documents of the Ad Hoc Committee not otherwise reproduced in the aforesaid documentation be made available to participants at the Conference."

3. Mr. KHERADI (Senior Adviser) asked the representative of Australia whether she intended that the documents referred to in the first part of her proposal should bear the symbol of the Conference and that the documents referred to in the second part should simply be Ad Hoc Committee documents.

4. Ms. COURTNEY (Australia) confirmed that that was her intention.

5. Mr. AMBEYI-LIGABO (Kenya) said he supported the proposal made by the representative of Australia.

6. Mr. MAHMOOD (Pakistan) pointed out that, in addition to the documents mentioned, the documentation from the Meeting of the Littoral and Hinterland States of the Indian Ocean and the relevant documentation of the General Assembly should be included.

7. Mr. JAIN (India) thanked the representative of Australia for her proposal, but said that he needed time to consider such an important decision. He also asked the Senior Adviser to clarify the meaning of the phrase "made available" in the second paragraph of the proposal. He felt that

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the documentation should also include the summary records of the Ad Hoc Committee and the relevant documents of the General Assembly, including resolutions on the subject, since the latter set out the basic mandate of the Committee.

8. Mr. KHERADI (Senior Adviser) noted that the second paragraph contained a reference to "documents not otherwise reproduced in the aforesaid documentation". That posed the problem of ensuring a sufficient supply of documents while bearing in mind the cost of preparing them.

9. In reply to the representatives of Pakistan and India, he pointed out that the operative parts of resolutions referring to the Indian Ocean were reproduced in the reports of the Ad Hoc Committee.

10. Ms. COURTNEY (Australia) suggested that it might be appropriate to replace the word "reproduced" in the proposed text with the word "mentioned". In previous years, the report of the Ad Hoc Committee had included the full text of the relevant resolutions.

11. With respect to the comment of the representative of Pakistan, she wondered whether the documentation included the Declaration adopted by consensus at the Meeting of the Littoral and Hinterland States; she believed that the Declaration should be included. If possible, the summary records should also be included.

12. Mr. JAIN (India) said that the proposed text should refer to documents not otherwise "reproduced", rather than "mentioned", even though the term might not be totally appropriate because it would not include the full range of documentation which the Committee might need. It was necessary to find an appropriate expression which, while not requiring the Secretariat to reproduce an excessive number of documents, would ensure that the necessary documentation was available.

13. Ms. COURTNEY (Australia) said that the documents should be made available but that unnecessary duplication should be avoided. The solution consisted in finding suitable wording, since it appeared that most delegations were in agreement on the matter.

14. The CHAIRMAN said that the Committee had considered documents A/AC.159/L.111, L.111/Add.1 and L.111/Corr.1.

15. Ms. COURTNEY (Australia) said that document A/AC.159/L.111/Corr.1 had not been fully considered, since the draft resolution introduced by Sri Lanka, referred to in paragraph 13, had not been forthcoming.

16. Mr. CURE (Mauritius) proposed that a new paragraph should be added to the report: "At its 409th meeting, held on 12 July 1991, the Committee decided that it had concluded the preparatory work for the convening of the Conference on the Indian Ocean and recommended that the General Assembly should transmit its report to the Conference".

17. The CHAIRMAN thanked the representative of Mauritius for his suggestion, noting that the paragraph would reflect what had happened once the meeting was brought to a close. Unless there was any objection, the Committee would move on to paragraph 13.

18. Mr. AMBEYI-LIGABO (Kenya) recalled that the representative of Sri Lanka, in his capacity as coordinator for the Movement of Non-Aligned Countries, had stated that his group had been unable to reach agreement on a draft resolution. Traditionally, the Movement of Non-Aligned Countries had submitted a draft resolution to the Ad Hoc Committee, which, in turn, had transmitted it to the General Assembly. Such resolutions constituted a link between the Committee and the General Assembly that should not be broken. He was therefore submitting to the Ad Hoc Committee an informal document containing a draft resolution for transmission by the Committee to the General Assembly. The draft resolution should be added to the report in an annex.

19. Ms. COURTNEY (Australia) asked the representative of Kenya to explain the grounds for annexing the draft resolution to the Committee's report.

20. Mr. AMBEYI-LIGABO (Kenya) suggested that the members of the Ad Hoc Committee should first examine the draft resolution and then make any observations they felt appropriate.

21. Mr. SHOUKRY (Egypt), supported by Mr. ZIMBA (Mozambique), Mr. CURE (Mauritius) and Mr. MUTHANA (Yemen), said that he would comment on the text after it was distributed; in principle, he had no objection to the proposal made by the representative of Kenya.

22. Mr. DZVAIRO (Zimbabwe) said that the representative of Kenya ought to introduce the document when all the members of the Ad Hoc Committee had received it. He added that his delegation firmly supported the Kenyan proposal.

23. Mr. SHA Zukang (China) suggested that the meeting should be suspended so that the Committee might have time to analyse the proposal of the representative of Kenya.

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

24. Mr. AMBEYI-LIGABO (Kenya) introduced the informal document containing the draft resolution. In reply to the representative of Australia, he said that the annexation of the draft resolution to the report of the Ad Hoc Committee would follow a precedent set the previous year.

25. Mr. JAIN (India) recalled that the Ad Hoc Committee operated on the basis of consensus. In 1989 there had been disagreement on the proposed draft resolution, which had not been annexed to the report for lack of consensus. In 1990 there had also been some disagreement, but the draft resolution had been annexed because consensus had finally been reached. During the current session, his delegation had not had time to consult with its Government on the proposed draft resolution, and the same was true of other delegations. Moreover, there was no time for an in-depth consideration of the draft submitted by the Kenyan delegation, and his delegation was therefore unable, at that stage, to support or express reservations concerning the draft resolution. However, if it was decided to annex the draft, the Indian delegation also wished to submit a draft, copies of which were available for distribution to the Committee, so that it, too, could be annexed to the report.

26. Ms. COURTNEY (Australia) recalled that in 1990, the draft resolution had been included as a document on which the non-aligned countries had reached agreement. In the current case, it was not known whether any non-aligned countries did not support the draft resolution. Furthermore, it did not seem appropriate to annex two draft resolutions to the report to the General Assembly; a more reasonable solution must be found.

27. Mr. MFULA (Zambia) said he fully supported the text submitted by the delegation of Kenya and its annexation to the report of the Ad Hoc Committee, and urged the members to reach an agreement to that effect. Although Committee members constantly referred to consensus, it seemed that what they really meant was unanimity.

28. Mr. CURE (Mauritius), supported by Mr. ZIMBA (Mozambique), said that the Kenyan initiative was constructive and should be supported. It would be unfortunate if the Committee could not submit a draft resolution to the General Assembly.

29. Mrs. MULAMULA (United Republic of Tanzania) said that the Kenyan request for the draft resolution to be attached had been made only so that the draft could be considered further; she supported its inclusion in the Committee's report to the General Assembly.

30. Mr. SHOUKRY (Egypt), supported by Mr. WIRENGJURIT (Indonesia), endorsed the contents of the draft resolution submitted by the Kenyan delegation and that delegation's request to include it in the report of the Ad Hoc Committee. In his view, it was inadvisable to submit two draft resolutions to the General Assembly. The Indian representative should have his differences with the draft resolution submitted by the representative of Kenya placed on record.

31. Mr. KATSIGAZI (Uganda) supported the Kenyan proposal and endorsed the Zambian representative's remarks on applying the principle of consensus.

32. Mr. HAGOSS (Ethiopia) said that, for the reasons given by other speakers, it would be confusing if the Ad Hoc Committee submitted two draft resolutions to the General Assembly. Instead, the delegation of India should propose amendments to the resolution submitted by the representative of Kenya. If that was not possible, his own delegation would support the inclusion of both draft resolutions in the Committee's report.

33. Mr. SHA Zukang (China) noted that, in the absence of a draft resolution agreed to by the States members of the Movement of Non-Aligned Countries, the Kenyan text appeared to be acceptable, and he supported its inclusion as an annex to the report of the Ad Hoc Committee. While it would not be appropriate to submit two draft resolutions to the General Assembly, all delegations had the right to express their viewpoints; consequently, if a delegation insisted on submitting another draft resolution, the Committee must agree to include the draft in its report.

34. Mr. NAIMI-ARFA (Islamic Republic of Iran) thanked the representative of Kenya for his contribution and said that his initial impression was that the draft resolution contained vital elements which echoed his delegation's position; accordingly, he supported the idea of including it in the report as an annex.

35. Mr. AVANESOV (Union of Soviet Socialist Republics) supported the Kenyan proposal together with the amendments and observations made by the representatives of Ethiopia and Egypt. There was no alternative not to include the draft resolution in the report with any necessary amendments.

36. Mr. MAHMOOD (Pakistan) said it was unfortunate that the Movement of Non-Aligned Countries had been unable to reach a consensus but agreed with the Tanzanian representative that the draft resolution proposed by the representative of Kenya should be annexed to the report, even though Governments had not been consulted. Submitting two draft resolutions for consideration by the General Assembly would be cumbersome and counter-productive.

37. Mr. DZVAIRO (Zimbabwe) said that two or more draft resolutions should not be submitted, since that would not reflect a spirit of consensus within the Committee. He asked the representative of India to reconsider his position.

38. Mr. ZUGIĆ (Yugoslavia) said that he had no problem with the Kenyan proposal.

39. Mr. JAIN (India) said that it seemed to be the Committee's wish to attach the draft resolution proposed by the Kenyan representative as an annex to the report without having the consensus necessary to do so. His delegation had been unable to consider the draft resolution, and if the draft was annexed on the grounds that there had not been enough time to consider it, his delegation would wish to submit another draft resolution which, for the same reasons, should also be included as an annex.

40. The CHAIRMAN said that the prevailing view in the Ad Hoc Committee seemed to be that the draft resolution submitted by the Kenyan representative should be included as an annex, but that including two draft resolutions would cause confusion. He appealed to the Indian delegation not to submit a second draft resolution.

41. Mr. JAIN (India) apologized to those delegations which had requested him to refrain from submitting another draft resolution and said that, had there been time, he would have considered their requests. However, it was not within his power to do so; he wished to reiterate that his Government could not take a decision on the draft resolution submitted by the Kenyan delegation, as it had not had sufficient time to form an opinion on it. He would again request the inclusion of the draft resolution submitted by his delegation as an annex to the report of the Ad Hoc Committee, together with any other draft resolution which the Committee might decide to annex to the report.

42. Ms. COURTNEY (Australia) said that her country had had even less time to review the draft resolution and that, although she did not have instructions from her Government, she agreed that the draft resolution submitted by the Kenyan delegation should be included as an annex. However, she did not support the inclusion of a second draft resolution in the annex.

43. Mr. HAGOSS (Ethiopia) said that the proposal by the Kenyan delegation enjoyed wide support and that the Indian delegation could submit amendments to it in the form of a letter addressed to the Chairman. The first draft resolution had been submitted in order to expedite the process, not to exclude India. Nothing precluded the Indian delegation from setting out its amendments in a letter, an approach which the Committee, from all indications, would fully support.

44. Mr. SHA Zukang (China) clarified that he had not said that the source of the Kenyan proposal had been the Movement of Non-Aligned Countries. Had those countries been able to propose a unified text, his delegation would have been prepared to accept it, but that was not the case.

45. The CHAIRMAN said that the informal document submitted by the representative of Kenya could be issued as a document of the Ad Hoc Committee. The same could be done with the document submitted by the representative of India, and both documents would be transmitted to the First Committee of the General Assembly. While the documents would not be attached to the report, they would be available.

46. Mr. HAGOSS (Ethiopia) said that, whether the documents were attached to the report or issued separately as Committee documents, the submission of two parallel draft resolutions should be avoided at all costs.

47. The CHAIRMAN said that if the issue was a procedural one, the matter would be resolved in the customary manner.

48. Mr. HAGOSS (Ethiopia) said that while the issue was theoretically a procedural one, in practice, the rule of consensus was observed whenever procedural issues had an impact on substantive questions.

49. The CHAIRMAN asked whether, in view of the late hour, the issue could be considered to be procedural.

50. Mr. JAIN (India) read out paragraph 3 of document A/AC.159/SR.248, dated 26 July 1984, concerning the procedure to be followed by the Ad Hoc Committee in taking decisions on the Indian Ocean: the Committee had agreed to reproduce the decision-making process in extenso, which was an indication of its importance.

51. The CHAIRMAN said that he was aware of that process; however, it referred to decisions which affected the Indian Ocean and did not constitute a precedent applicable to debates and negotiations on other items. The question under consideration was a matter of procedure. It involved determining what to do with the informal documents submitted by the delegations of Kenya and India. Moreover, the Indian document was not yet available to the Ad Hoc Committee.

52. Mr. JAIN (India) said that the document containing his delegation's proposal had been officially submitted to the Committee and could be distributed at any time the Secretariat chose to do so. He could not accept the interpretation that his delegation's draft resolution was not available to the Committee.

53. The CHAIRMAN requested that the document submitted by the Indian delegation should be distributed.

54. Ms. COURTNEY (Australia) agreed with the view expressed by the representative of India.

55. The CHAIRMAN said that the Senior Adviser had informed him that, once a decision was taken on the question of informal documents and the proposed paragraph on documentation was adopted, the preparatory work for the convening of the Conference on the Indian Ocean would be concluded.

56. Mr. KHERADI (Senior Adviser) said that the final decision on the completion of the preparatory work must be taken by the Ad Hoc Committee.

57. The CHAIRMAN said that the information provided by the Senior Adviser would be taken into account.

The meeting rose at 6.20 p.m.

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General Assembly

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A/AC.159/SR.411
24 July 1991

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 411th MEETING

Held at Headquarters, New York,
on Friday, 12 July 1991, at 6.30 p.m.

Chairman: Mr. KALPAGE (Sri Lanka)

CONTENTS

Implementation of General Assembly resolution 45/77 (continued)

(a) Work on the substantive and organizational issues related to the Conference on the Indian Ocean in accordance with resolution 45/77 (continued)

(b) Report of the Ad Hoc Committee to the General Assembly at its forty-sixth session on the implementation of resolution 45/77 (continued)

Closure of the session

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Any corrections to the record of this meeting and of other meetings will be issued in a corrigendum.

The meeting was called to order at 7.15 p.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued)

(b) REPORT OF THE AD HOC COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION ON THE IMPLEMENTATION OF RESOLUTION 45/77 (continued)

1. The CHAIRMAN drew attention to a document submitted by Australia (A/AC.159/L.111/Add.1) containing a draft text to be added to document A/AC.159/L.111 as section III.

2. Mr. JAIN (India) proposed that the draft text should be amended as follows:

> "At its 411th meeting on 12 July 1991, the Ad Hoc Committee decided to recommend to the forty-sixth session of the General Assembly that this report and its annexes should constitute the documentation for the United Nations Conference on the Indian Ocean.
>
> "The Ad Hoc Committee further decided to make available to the United Nations Conference on the Indian Ocean other substantive documents of the Ad Hoc Committee, including its reports and summary records, and all relevant documents of the United Nations General Assembly not otherwise reproduced in the aforesaid documentation."

3. Mr. MAHMOOD (Pakistan) said that the draft text should also refer to the report of the 1979 Meeting of Littoral and Hinterland States of the Indian Ocean.

4. The CHAIRMAN said that the phrase "all relevant documents" included that report.

5. Mr. MAHMOOD (Pakistan) said that the phrase "other substantive documents" was unclear. The text should either refer to specific documents, or use the words "all other documents".

6. Mr. KHERADI (Senior Adviser) asked whether the representative of India could clarify what was meant by "relevant documents of the United Nations General Assembly" and specify which reports were referred to in the second paragraph.

7. Mr. JAIN (India) said that, with the adoption of the rules of procedure at the current session, the immediate documentation for the Conference would be complete. However, all reports and summary records of the Committee and

(Mr. Jain, India)

the relevant documents of the General Assembly should be available at the Conference, not in large issues, but on request.

8. Mr. MAHMOOD (Pakistan) said that, for the sake of clarity, the document should refer specifically to the report for consideration by the General Assembly.

9. Ms. COURTNEY (Australia) said that it had been her delegation's intention to limit the volume of documentation required at the Conference, while ensuring that the documents most relevant to the proceedings would be available. She wished to know whether the report to which the representative of Pakistan had referred was classified as a document of the Committee.

10. The CHAIRMAN said that the report of the 1979 Meeting was an official document of the General Assembly and was therefore provided for in the draft text.

11. Mr. MAHMOOD (Pakistan) said that, if such was the case, he would not insist on his proposed amendment.

12. Document A/AC.159/L.111/Add.1, as orally amended, was adopted.

13. The CHAIRMAN drew attention to two non-papers containing draft resolutions submitted by Kenya and India, respectively. The Committee's options were, first, to annex both non-papers to the report; secondly, to annex one but not the other; and thirdly, not to annex either and to submit the report without a draft resolution. In view of the Committee's consensus rule, the third might be the best option.

14. Mr. AMBEYI-LIGABO (Kenya) said that his delegation had always participated in the work of the Committee in a spirit of cooperation with a view to achieving consensus. The current impasse showed that not all delegations were sincere in their stated desire to achieve a zone of peace in the Indian Ocean. While those members of the Committee which had withdrawn from it had formerly been used as scapegoats, it could no longer be claimed that some delegations were hindering the Committee's work.

15. The draft resolution submitted by his delegation had won broader acceptance than any other proposal; only one delegation had not supported it. He would not insist on annexing the text of the draft to the report, but the report should indicate that his delegation had submitted a non-paper containing a draft resolution which had been accepted by all but one delegation, and that the Kenyan delegation had withdrawn the proposal for the sake of consensus.

16. Mr. JAIN (India) said that he did not doubt the sincerity and spirit of cooperation manifested by the Kenyan delegation, but his delegation had not been consulted on the Kenyan proposal, possibly because of time constraints,

(Mr. Jain, India)

and therefore had not been in a position to support it or express reservations on it. He had never had any reservations about annexing the text of the Kenyan proposal to the report, so long as the Indian proposal was also annexed. However, he could not agree to the Kenyan representative's proposal regarding the remark to be inserted in the report, since it was inappropriate and inconsistent with the language traditionally used in the Committee's reports. The Committee had always worked on the basis of consensus, and should therefore avoid the use of language which implied that there had been voting or divisiveness in its meetings.

17. Mr. ZIMBA (Mozambique) deeply regretted that the Committee had not succeeded in recommending a draft resolution to be considered by the First Committee of the General Assembly. Consequently, a change would have to be made in paragraph 13 of the draft report (A/AC.159/L.111/Corr.1) to reflect the lack of consensus.

18. The CHAIRMAN said that, in accordance with the customary language used in such cases, it would be indicated that the representative of Sri Lanka had stated that consensus had not been reached on a draft resolution, and that there had been further discussion on non-papers presented by the delegations of Kenya and India.

19. Mr. JAIN (India) said it was his understanding that the Committee's reports, in keeping with the practice of proceeding on the basis of consensus, did not use language indicatative of divisiveness. The Senior Adviser should be consulted on the subject.

20. Mr. AMBEYI-LIGABO (Kenya) said that, if the statement of the representative of Sri Lanka could be reflected in paragraph 13 of the draft report, there was no reason why the broad support given to the Kenyan proposal should not also be noted. If the representative of India so desired, a reference to the Indian counter-proposal could also be included.

21. Mrs. MULAMULA (United Republic of Tanzania) agreed with the representative of Mozambique that the Committee should include in its report a factual account of what had transpired at its meetings, and that it therefore should mention the proposals submitted by the Kenyan and Indian delegations. There was no reason why the Committee's lack of consensus on the matter could not be reflected, given that paragraph 11 of document A/AC.159/L.111/Corr.1 showed that the Committee had been unable to reach an agreement on the issue of participation in the Conference. Moreover, her delegation had already proposed that the Committee should put the non-papers on record by issuing them as official documents.

22. The CHAIRMAN said there was a precedent for such a proceeding. He had suggested that the letter addressed to him on 1 July 1991 by the representative of India, together with the annexed set of amendments to document A/AC.159/L.93, should be issued as an official Committee document.

(The Chairman)

The representatives of Kenya and India could therefore have their draft resolutions issued by annexing them to letters addressed to the Chairman.

23. Ms. COURTNEY (Australia) said that she would prefer to omit from the report any reference to the proposals submitted by the Indian and Kenyan delegations but, if a reference was deemed necessary, the Committee could simply indicate that it had been unable to agree on a recommendation for a draft resolution to the forty-sixth session of the General Assembly and that two proposals had been submitted by India and Kenya; the symbols of the documents issued would also be indicated.

24. The CHAIRMAN agreed that paragraph 13 of the draft report could state that two non-papers had been submitted to the Committee, without indicating the degree of support they had received.

25. Mr. JAIN (India) said that, according to its traditional practice, the Committee must achieve consensus on every word of its report to the General Assembly. He supported the proposal of the representative of Australia to omit references to the non-papers, because that practice had been agreed upon with respect to the 1989 report. The summary records of the Committee's meetings would adequately reflect the positions of various delegations on the non-papers. The report, however, must be based on consensus and must therefore be non-controversial.

26. The CHAIRMAN said that, if the report were simply to indicate that two non-papers had been submitted and discussed in the Committee, it would not reflect a bias concerning the proposals: the indication would be merely factual and would not relate to the substance of the Committee's work regarding the establishment of a zone of peace in the Indian Ocean.

27. Mr. AMBEYI-LIGABO (Kenya) remarked that the report should reflect the facts as they had occurred.

28. Mr. MFULA (Zambia) supported the Kenyan representative's position, adding that if the facts were not properly reflected the credibility of the Ad Hoc Committee's report would be called into question.

29. Ms. COURTNEY (Australia) suggested, in the interest of promoting agreement, that the report could indicate that the representative of Sri Lanka, speaking on behalf of the States members of the Ad Hoc Committee that were members of the movement of the non-aligned countries, had stated that those countries had not been able to submit a draft resolution. The report could further state that the representative of Kenya, supported by a number of members of the Committee, had submitted a draft resolution, which would be referred to by its symbol, and that the representative of India had also submitted a draft resolution, which would likewise be referred to by its symbol.

30. Mr. SHOUKRY (Egypt) said that his delegation would support a wording which reflected factually what had happened in the Committee, and that the Kenyan representative should propose the appropriate text.

31. Mr. ZIMBA (Mozambique) supported the suggestion of the representative of Australia and appealed to the Kenyan representative to follow suit.

32. Mr. JAIN (India) read out paragraphs 25, 28 and 29 of the Committee's report for 1989 (A/44/29), and pointed out that the first sentence of paragraph 29 had been included on the insistence of those who had been unable to agree to a reference to a draft resolution in the conclusion or to annexing it to the report.

33. If the Committee wished to reflect the facts of its current session in accordance with its customary reporting procedure, it must confine itself to the bare facts, and should therefore indicate simply that the delegations of Kenya and India had submitted non-papers containing draft resolutions, that they had requested that the draft resolutions be annexed to the report, and that the Committee had decided not to annex draft resolutions to its report. A sentence along the lines of the first sentence of paragraph 29 of document A/44/29 could also be incorporated. It would not be conducive to the implementation of the 1971 Declaration to include language indicative of divisiveness in the Committee.

34. Ms. COURTNEY (Australia) said that she could accept language along the lines of the formulation used in 1989 if other delegations found that formulation acceptable.

35. Mr. MAHMOOD (Pakistan) said that, since the current session was supposed to be the Committee's last, the report should reflect a more definitive situation.

36. Mr. JAIN (India) recalled that the formulation he had proposed had not included anything with respect to the statement made by the representative of Sri Lanka earlier in the day. He appreciated the support expressed by the representative of Australia. His delegation would not accept any formulation which diverged from the practice followed in the preparation of the Committee's reports.

37. The CHAIRMAN said that he could not understand how the delegation of India could object to the inclusion in the report of a reference to the statement made by the representative of Sri Lanka on behalf of the non-aligned countries which were members of the Committee.

38. Mr. MFULA (Zambia) said that the report should include a reference to the statement by the representative of Sri Lanka and to the draft resolutions submitted by the delegations of Kenya and India, without indicating any level of support expressed in the Committee.

39. Mr. JAIN (India) emphasized that he could not accept a reference in the report to the remarks of the representative of Sri Lanka on behalf of the non-aligned countries, as that would not be in keeping with the Committee's practice. Failure to follow the consensus procedure would be detrimental to the collective cause of the Committee.

40. Mr. BANDARA (Sri Lanka) said that he wished the statement he had made on behalf of the non-aligned countries in accordance with the decision they had taken the preceding evening to be reflected in the report.

41. Ms. COURTNEY (Australia) proposed that the Committee should suspend the meeting in order to hold informal consultations on the issue at hand.

42. Mr. AMBEYI-LIGABO (Kenya) endorsed the Australian proposal and emphasized that the statement by the representative of Sri Lanka on behalf of the non-aligned countries which were members of the Committee should be reflected in the report.

The meeting was suspended at 8.55 p.m. and resumed at 9.50 p.m.

43. The CHAIRMAN announced that agreement had been reached during the informal consultations to recast paragraph 13 of the draft report along the following lines:

> "At its 409th meeting, on 12 July 1991, the representative of Sri Lanka, on behalf of the non-aligned States members of the Ad Hoc Committee, stated that those countries were not in a position at that stage to submit a draft resolution to the Ad Hoc Committee.
>
> "At the 410th meeting of the Ad Hoc Committee, on 12 July 1991, the representative of Kenya submitted a non-paper containing the text of a draft resolution and requested that it be annexed to the report. The representative of India also submitted a non-paper containing the text of a draft resolution and requested that it also be annexed to the report.
>
> "At its 411th meeting, on 12 July 1991, the Ad Hoc Committee considered the matter and could not reach a consensus on annexing the non-papers to the report."

44. If he heard no objection he would take it that the Committee wished to adopt its draft report (A/AC.159/L.111 and Corr.1) as amended.

45. It was so decided.

CLOSURE OF THE SESSION

46. The CHAIRMAN said that the Ad Hoc Committee on the Indian Ocean had completed the preparatory work for the Conference on the Indian Ocean, thereby paving the way for the convening of the Conference at Colombo in 1992 in consultation with the host country, Sri Lanka. The Committee had thus fulfilled its mandate in accordance with General Assembly resolution 45/77.

(The Chairman)

47. Delegations had shown a remarkable spirit of cooperation during the current session and there clearly had been a genuine desire on the part of the littoral and hinterland States of the Indian Ocean and other countries in the Committee to convene the Conference. The current session had underscored the importance of making the Indian Ocean a zone of peace. All participants had acknowledged that there had been a dramatic change in international relations. It was to be hoped that the delegations which had withdrawn from the Committee or had suspended their participation in its work would attend the Conference.

48. After paying a tribute to the delegations and the members of the Secretariat, he declared the session closed.

The meeting rose at 9.55 p.m.